

In response to this indication, Applicant has amended claim 1 to include the limitation of claim 3, thereby placing claims 1-3, 5-6 and 8-16 in condition for immediate allowance (claims 4 and 7 having been cancelled). Applicant has also amended claims 33 and 34 to include the limitations of claims 37 and 38, respectively, and cancelled claims 37-38, thereby placing claims 33-36, 39 and 40 in condition for immediate allowance.

These amendments obviate the rejection of claims 1-2, 5-7, 11 and 33-36 as being anticipated by Koch '064, and thus Applicant requests that this rejection be withdrawn.

The Examiner has also rejected claims 12-27 and 39-40 as being unpatentable over Koch '064 in view of Mohajer.

As it applies to claims 12-16 and 39-40, this rejection has been overcome by the amendments discussed above, which have placed claims 1, 33 and 34, from which these claims depend, in condition for allowance.

As it applies to claims 17-27, Applicant respectfully submits that this rejection has been overcome by the amendment of claim 17 to recite that the portion that is impregnated or coated with a therapeutic agent is removable and replaceable. There is no suggestion in the Mohajer reference that the device could include a portion that can be removed and replaced when the therapeutic agent is depleted. Instead, Mohajer describes (a) filling the inside of the diaphragm with a therapeutic agent, (b) providing a reservoir or capsule within the cap containing a therapeutic agent, or (c) impregnating the entire barrier member 12 with a therapeutic agent. It is Applicant who has recognized the importance of providing a separate, removable portion so that a new supply of therapeutic agent can be easily added after the initial supply of therapeutic agent has been exhausted.

The Examiner has rejected claims 1-40 under 35 U.S.C. §112, first paragraph, noting that the specification does not include a description of Figs. 6A-6C. Applicant has added a brief description by amendment. This text merely describes in words what is clearly shown in Figs. 6A-6C, and therefore does not constitute new matter. Applicant respectfully requests that this rejection be withdrawn.

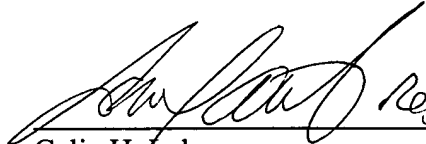
Applicant : James P. Koch
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Page : 5

Attorney's Docket No.: 01996-005001

Applicant submits that all of the claims are now in condition for allowance, which action is requested. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Res No 30,125
Celia H. Leber
Reg. No. 33,524

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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